

REMARKS

The foregoing amendment effectively amends claims 74 and 75 and adds new claims 105-107. The amendment is supported throughout the application as filed, including the original sequence listing. New claims 105-107 are independent claims that recite polynucleotides encompassed by claim 100, which the Examiner stated was in condition for allowance in the Action. Accordingly, no new matter is introduced by this amendment. Applicants do not intend by these or any other amendments to abandon the subject matter of any of the canceled claims, and reserve the right to pursue such subject matter in continuing or related applications.

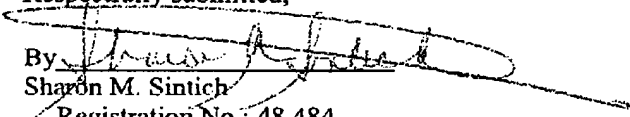
The Examiner maintained the rejection of claims 74 and 75 under 35 U.S.C. §102(e), asserting that these claims are anticipated by International Publication No. WO 01/46420. As amended, claims 74 and 75 are directed to detectably labeled polynucleotides that encode polypeptides comprising amino acids 1 through 560 of SEQ ID NO: 5, amino acids 1 through 350 of SEQ ID NO: 5, or amino acids 14 through 350 of SEQ ID NO: 5. These claimed amino acid sequences are not disclosed, expressly or inherently, in International Publication No. WO 01/42420. Thus, International Publication No. WO 01/46420 does not anticipate the subject matter of any one of claims 74 or 75, and the rejection of those claims under 35 U.S.C. § 102(e) over International Publication No. WO 01/46420 should be withdrawn.

CONCLUSION

Applicants respectfully request that the Examiner exercise discretion in favor of entering the foregoing amendment, as this amendment puts the application in better condition for allowance and does not raise any new issues requiring an additional search or significant examination. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection and to pass this application to issue.

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Respectfully submitted,

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